THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13325 of 2006

10.7.2006

Between:

Karre Yadaiah and another

… Petitioners

AND

The Government of Andhra Pradesh, represented by its Secretary, Revenue Department, Hyderabad

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13325 of 2006

ORDER:

The petitioners are statedly pattadars and owners of an agricultural land admeasuring Acs.1.14 guntas in survey No.102 of Kongarkurd Village of Maheswaram Mandal in Ranga Reddy District. They purchased the land from one Sri M. Venkaiah Chowedari by paying valid sale consideration. It is alleged that as they required money for their domestic necessities, they offered the land to sell, and on 12.06.2006 approached the second respondent along with purchasers for registration of the sale deeds. The second respondent allegedly did not accept the sale deeds nor register them. It appears, Darga Hazarat Syed Shah gave a complaint that the lands in Kongara Khurd Village are inam lands of the said Darga and for that reason registration was refused. Aggrieved by the same, present writ petition is filed.

Heard learned Counsel for the petitioners and learned Assistant Government Pleader for Revenue (General). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 31 to 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. The communication sent by any Revenue Official cannot be basis for rejection. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004 dated 01.9.2004.

Following the above, this writ petition is disposed of directing the second respondent or any other Registering Officer to accept the document presented by the petitioners and consider for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and

furnish reasons under Section 71 of the Act. No costs.

If ultimately the land is found to belong to Andhra Pradesh Wakf Board, this order shall not preclude the Wakf Board from taking action to claim its property as per the provisions of the Andhra Pradesh Wakf Act, 1995.

(**V.V.S.RAO,J**)

10.07.2006
GJ